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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/657,803	09/08/2000	Hajime Tabata	0505-0673P	2995
7590	02/22/2006		EXAMINER	
Birch Stewart Kolasch & Birch LLP P O Box 747 Falls Church, VA 22040-0747				NGUYEN, DUC MINH
		ART UNIT		PAPER NUMBER
		2643		

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/657,803	TABATA ET AL.	
	Examiner	Art Unit	
	Duc Nguyen	2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 7-10,13-15,18-20 and 22-29 is/are pending in the application.
 - 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) 7-10,13,15,18,24-27 and 29 is/are allowed.
- 6) Claim(s) 14,19,20,22,23 and 28 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 14, 19-20, 22-23, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakaya et al (5,684,884) in view of Fujimori et al (5,868,485) and Szilagyi et al (6,396,197).

Consider claims 19, and 22-23. Nakaya teaches a piezoelectric speaker comprising a frame having an opening therein, the opening extending between a back and front surfaces of the frame (frame 10, fig. 3, fig. 5A-F; col. 7, ln. 40-54); a piezoelectric film having a surface area larger than the opening in the frame, the piezoelectric film being located on the back surface of the frame and covering the opening (piezoelectric sheet 4, figs. 1, 3), so that the central portion of the piezoelectric film is exposed to the front surface of the frame through the opening (see fig. 3). Nakaya further teaches a laminating film (fig. 1, 3; support layer 8) attached to the edges of the frame and covering an entire surface of the piezoelectric film (see fig. 3, 5A-F; element 8 attached to the edges of frame 10 and cover an entire surface of the piezoelectric sheet 4).

Nakaya does not teach a two-piece frame and a detachable fastener fastening the piezoelectric speaker to an inner surface of a helmet.

Fujimori teaches the use of a two-piece frame (see fig(s). 5, frame pieces 52 and 53) for the purpose of securely holding element (40). Fujimori further teaches the use of multiple claws

for clamping into recesses two separate pieces (see fig(s). 5, engagement protrusion 53c and engagement groove 52c; column(s) 7, line(s) 37-55) for the purpose of providing a structure for supporting a liquid crystal panel 40R (column(s) 5, line(s) 27-55).

Szilagyi teaches a detachable fastener fastening the piezoelectric speaker to a surface of a helmet (abstract; col. 1, ln. 15-27, ln. 66 to col. 2, ln. 19, ln. 39-49; col. 5, ln. 28-48) for the purpose of providing a piezoelectric speaker that is easily secured to an existing structure (column(s) 2, line(s) 30-38).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Fujimori and Szilagyi into the teachings of Nakaya for the purposes mentioned above.

Consider claim 14. Nakaya further teaches the limitations of this claim in (fig. 3, frame pieces (10); the piezoelectric element (4) is held by the pair of frame pieces (10) at the edges).

Consider claim 20. Szilagyi further teaches the frame supports the piezoelectric film speaker in a curved state (fig. 1, frame 14 having base portion 20 and top portion 22).

Consider claim 28. Nakaya clearly teaches the limitations of these claims in fig. 3 (e.g., frame (10) can be detached/attached from/to the piezoelectric component (2)).

Allowable Subject Matter

3. Claims 7-10, 13, 15, 18, 24-27, and 29 are allowed over the prior art of record.

Response to Arguments

4. Applicant's arguments with respect to claims 14, 19-20, 22-23, and 28 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Nguyen whose telephone number is 571-272-7503. The examiner can normally be reached on 7:00AM to 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kuntz Curtis can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Duc Nguyen
Primary Examiner
Art Unit 2643

2/15/06